

# Exhibit 1

<b>STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY</b>	<b>SUMMONS</b>	<b>CASE NO. 25-005167-CD Hon. David J. Allen</b>
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Court telephone no.: 313-224-0250

Plaintiff's name(s), address(es), and telephone no(s) Fowler, Randy	v	Defendant's name(s), address(es), and telephone no(s). Metz Culinary Management LLC

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

#### Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

#### Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in  this court,  \_\_\_\_\_ Court, where it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

The action  remains  is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

#### NOTICE TO THE DEFENDANT:

In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 4/8/2025	Expiration date* 7/8/2025	Court clerk Makaylah Siggal
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Cathy M. Garrett- Wayne County Clerk.

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (3/23)

**SUMMONS**

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



**PROOF OF SERVICE**

**TO PROCESS SERVER:** You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE OF SERVICE / NONSERVICE**

- I served  personally  by registered or certified mail , return receipt requested, and delivery restricted to the addressee(copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:
- I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

- I am a sheriff,deputy sheriff, bailiff, appointed court officer or attorney for a party.
- I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	Signature	
Incorrect address fee \$	Miles traveled \$	Fee \$	Total fee \$	Name (type or print)

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with

Attachments (if any) \_\_\_\_\_ on \_\_\_\_\_ Date and time \_\_\_\_\_  
 \_\_\_\_\_ on behalf of \_\_\_\_\_.

Signature \_\_\_\_\_

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

RANDY FOWLER,

Case No.: 25-

-CD

Plaintiff,

HON: \_\_\_\_\_

v.

METZ CULINARY MANAGEMENT, LLC,

Defendant.

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**MANDA L. DANIELESKI (P62597)**

*Attorney for Plaintiff*  
905 N. Michigan Avenue  
Saginaw, Michigan 48602  
Phone: (989) 401-7890  
Fax: (989) 401-7892  
westervm@gmail.com

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THERE IS NO PENDING OR RESOLVED CIVIL ACTION  
BETWEEN THE PARTIES OR OTHER PARTIES ARISING  
OUT OF THE SAME TRANSACTION  
OR OCCURRENCE AS ALLEGED HEREIN

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

NOW COMES Plaintiff, RANDY FOWLER, by and through his attorney, MANDA L. DANIELESKI, and for his Complaint, states as follows:

1. That at all times hereto, the Plaintiff, RANDY FOWLER, is a resident of the County of Washtenaw, State of Michigan.
2. That at all times material hereto, the Defendant, METZ CULINARY MANAGEMENT, is a foreign limited liability company doing business in the

County of Wayne, State of Michigan and the address is 4001 West McNichols Road, Detroit, Michigan 48221.

3. That at all times relevant herein the Defendant was the Plaintiff's employer and he was employed as a General Manager.
4. That Plaintiff was hired on August 13, 2018.
5. That Plaintiff had the overall responsibility for the food service program for the University of Detroit Mercy.
6. That Plaintiff availed himself to the Family and Medical Leave Act (FMLA) for breathing and back issues.
7. That Plaintiff's leave was due to his own serious medical condition.
8. That Plaintiff asserted his rights under the FMLA.
9. That Plaintiff was retaliated against and issued a performance improvement plan on January 4, 2024.
10. That Plaintiff was terminated on January 29, 2024 for reasons which were wholly pretextual in nature.
11. That Plaintiff's separation notice indicates that he was discharged for "inability to manage UDM. Not willing to make change, attendance."
12. That Plaintiff brings claims pursuant to the anti-retaliation provisions of the Family and Medical Leave Act otherwise found at 29 USC § 2601 *et seq.*

13. That the Plaintiff as a direct and proximate result of Defendant's unlawful activities has sustained economic damages in excess of \$25,000.00 (Twenty-Five Thousand Dollars) exclusive of costs, interest and attorney fees.
14. That as a direct and proximate result of Defendant's unlawful activities, the Plaintiff has suffered non-economic damages in excess of \$25,000.00 (Twenty-Five Thousand Dollars) exclusive of costs, interest and attorney fees.

**COUNT I**

**VIOLATIONS OF THE ANTI-RETALIATION PROVISIONS OF THE FAMILY AND MEDICAL LEAVE ACT**

15. That Plaintiff hereby incorporates paragraphs 1 through 14 above by reference thereto, word for word, and paragraph by paragraph as if restated herein.
16. That at all times relevant herein, Plaintiff did suffer a serious health condition that caused him to take leave under the FMLA.
17. That Plaintiff did apply for and take leave under the FMLA, otherwise found at 29 USC § 2601 *et seq*, and did exercise his rights under the Act.
18. That the Plaintiff was disciplined, suspended, retaliated against and ultimately terminated, as set forth above.
19. That the Defendant, in taking said actions, was motivated by Plaintiff having availed himself to the rights afforded to him by the FMLA.
20. That there was a causal connection between Plaintiff's protected activities and his treatment and ultimate discharge.

21. That Plaintiff's protected activity was a significant fact in decisions affecting his employment.
22. That Plaintiff was ultimately terminated for reasons which are wholly pretextual in nature.
23. That Plaintiff's treatment and ultimate termination violate the anti-retaliation provisions of the FMLA.
24. That Plaintiff engaged in a protected activity pursuant to the FMLA.
25. That Defendant was aware that he exercised his rights under the FMLA.
26. That after learning of the Plaintiff's exercise of FMLA rights, the Defendant took adverse actions against the Plaintiff.
27. That Defendant's conduct did violate § 2615(a)(1) and (2).
28. That at all times material hereto, Defendant did fail to act in good faith.
29. That the Plaintiff as a direct and proximate result of Defendant's unlawful activities has sustained economic damages in excess of \$25,000.00 (Twenty-Five Thousand Dollars) exclusive of costs, interest and attorney fees.
30. That the Plaintiff as a direct and proximate result of Defendant's unlawful activities has sustained non-economic damages in excess of \$25,000.00 (Twenty-Five Thousand Dollars) exclusive of costs, interest and attorney fees.
31. That the Plaintiff as a direct and proximate result of Defendant's unlawful activities has sustained attorney fees and costs and seeks recovery of the same.

32. That the Plaintiff also seeks liquidated damages and equitable relief pursuant to statute. 29 USC § 2617(a).

WHEREFORE, Plaintiff, RANDY FOWLER, prays for this Honorable Court to award damages in excess of \$25,000.00 (TWENTY FIVE THOUSAND and NO/100 DOLLARS), together with all Court costs and attorney fees that are allowed under the Statute or Common Law for the violations as noted herein.

Respectfully submitted:

Dated: April 8, 2025

/s/ Manda L. Danieleski  
**MANDA L. DANIELESKI (P62597)**  
*Attorney for Plaintiff*  
905 N. Michigan Avenue  
Saginaw, MI 48602  
Ph: (989) 401-7890  
Fax: (989) 401-7892  
Westervm@gmail.com

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

RANDY FOWLER,

Case No.: 25-

-CD

Plaintiff,

HON:\_\_\_\_\_

v.

METZ CULINARY MANAGEMENT, LLC.,

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**DEMAND FOR TRIAL BY JURY**

NOW COMES the Plaintiff, RANDY FOWLER, by and through his attorney, MANDA L. DANIELESKI, and hereby demands a Trial by Jury of all issues in this cause of action, unless expressly waived.

Respectfully submitted:

Dated: April 8, 2025

/s/ Manda L. Danieleski

**MANDA L. DANIELESKI (P62597)**  
*Attorney for Plaintiff*  
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Ph: (989) 401-7890  
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